

**MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
NURSING HOME (NH) STANDARD ADVISORY COMMITTEE (SAC) MEETING**

Wednesday, September 26, 2007

Capitol View Building  
201 Townsend Street  
MDCH Conference Center  
Lansing, Michigan 48913

**APPROVED MINUTES**

**I. Call To Order**

Chairperson Chalgian called the meeting to order at 9:08 a.m.

**A. Members Present:**

Diane H. Baker, Blue Cross Blue Shield of Michigan  
Renee Beniak, Michigan County Medical Care Facilities Council  
James P. Bowe, Michigan Association of Homes & Services for the Aging  
James Branscum, Vice-Chairperson, Health Care Association of Michigan  
Bart J. Carrel, Borgess Health  
Douglas Chalgian, Chairperson, Alzheimer's Association  
Thomas E. Czerwinski, Area Agencies on Aging Association of Michigan  
Marge Faville, SEIU (Arrived @ 9:33 a.m.)  
Alison E. Hirschel, Michigan Poverty Law Program  
Priscilla Mazurek, RN, University of Michigan Health System (Arrived @ 10:05 a.m.)  
Sarah Slocum, Michigan Long Term Care Ombudsman  
Susan C. Steinke, Michigan Quality Community Care Council (Arrived @ 9:10 a.m.)

**B. Members Absent:**

None.

**C. Michigan Department of Community Health Staff Present:**

Umbrin Ateequi  
Joette Laseur  
Irma Lopez  
Andrea Moore  
Brenda Rogers  
Taleitha Pytlowanyj

**II. Declaration of Conflicts of Interests**

Mr. Carrel stated that Borgess Nursing Home has recently submitted a CON application for a replacement facility for their 120 bed-skilled nursing facility.

**III. Review of Agenda**

Motion by Mr. Bowe, seconded by Ms. Baker, to accept the agenda as presented. Motion Carried.

**IV. Review of Minutes – August 22, 2007**

Motion by Mr. Czerwinski, seconded by Ms. Baker, to approve the minutes as presented. Motion Carried.

**V. Quality Measures**

Ms. Moore stated that a task group met to discuss the quality measure. Vice-Chairperson Branscum reviewed the draft quality measures the task group discussed (Attachment A). The Committee decided to have the task group meet one more time to address the issue of ownership. Discussion followed.

**VI. Addendum for New Design Model Pilot Program**

Motion by Vice-Chairperson Branscum, seconded by Ms. Slocum, to remove this item from the agenda and make the language regarding Addendum for New Design Model Pilot Program a permanent part of the standards. Motion Carried.

**VII. High Occupancy**

Ms. Moore reviewed the current language for High Occupancy. Discussion followed.

Public Comment

Melissa Cupp, Wiener & Associates  
Mark Mailloux, University of Michigan  
Phyllis Adams, Dykema

Motion by Ms. Faville, seconded by Mr. Czerwinski, to make no changes to the current high occupancy language. Motion Carried.

**VIII. Addendum for Special Population Group Beds**

Ms. Moore reviewed the current standards regarding Addendum for Special Population Group Beds. The Committee briefly discussed the possibility of removing the Addendum for Special Population Group Beds from the Standards and placing the five special population groups into the general pool count. The Committee decided to form a special task group to discuss this matter further. Ms. Mazurek, Ms. Faville, Vice-Chairperson Branscum, and Chairperson Chalgian volunteered for the task group. Discussion followed.

Public Comment

Phyllis Adams, Dykema

Break from 10:34 a.m. to 10:53 a.m.

Andy Farmer, AARP

**IX. Definitions and Methodologies**

**A. Wayne County Planning Areas**

Faiza Najar from the Detroit area spoke in regards to removing the three boundary lines of Wayne County and making them into one planning area. She stated that she does not agree with making Wayne County into one planning area. Ms. Faville stated that she has concern with changing the Wayne County structure. She requested the Department to provide data on the payer mix of the Detroit area and the other two planning areas within Wayne County. She would also like the mean and median operating margins of the nursing homes. Ms. Steinke requested a copy of the Attorney General's opinion regarding replacement zones for the Committee to review at the next meeting.

There was discussion on the bed need methodology. The Committee decided to have a small task group meet to discuss this item further. Mr. Bowe, Ms. Hirschel, Ms. Anderson, and Mr. Czerwinski volunteered for this task group. Discussion followed.

Public Comment

Steve Zuiderveen, Sunset

**B. Comparative Review Criteria**

Ms. Moore briefly reviewed the Comparative Review language for the Committee. Ms. Steinke stated that Mr. Carrel and she would be meeting to discuss Comparative Review after the Committee's meeting today. They will present a report back to the Committee at the next meeting. Discussion followed.

**X. Long-Term Care Policies and Regulations**

There is nothing to discuss at this time.

**XII. Future Meeting Dates:**

October 18  
November 8  
November 28

**XII. Public Comment**

Melissa Cupp, Weiner & Associates

**XIII. Adjournment**

Motion by Ms. Faville, seconded by Ms. Baker, to adjourn the meeting at 11:58 a.m. Motion Carried.

## Draft Quality Measures

Quality Measures Criteria Proposed for Inclusion in the Standards	CON Approval			
	To Initiate a New Nursing Home (Section 6)	To Acquire an Existing Home (Section 8)	To Increase Beds at an Existing Home (Section 6)	To Renovate/ Replace (Section 7)
<p>Threshold 1: If the Applicant has any of the following conditions:</p> <ol style="list-style-type: none"> <li>1. A state enforcement action involving license revocation, reduced license capacity, or receivership within last three years.</li> <li>2. A filing of bankruptcy, within last three years.</li> <li>3. Termination of a Medical Assistance Provider Enrollment and Trading Partner Agreement initiated by the Department, within the last three years.</li> <li>4. A number of citations at Level D or above, excluding K Tags, on the scope and severity grid on two consecutive standard surveys that exceeds twice the statewide average number of citations.</li> <li>5. A number of citations resulting from abbreviated surveys (complaints) at Level D or above, excluding K Tags, on the scope and severity grid during any calendar year that exceeds twice the statewide average on abbreviated survey citations.</li> </ol>	Not Eligible	Not Eligible	Not Eligible	Not Eligible
<p>Threshold 2: If the Applicant does not have any of Threshold 1 criteria, but does have any of the following conditions:</p> <ol style="list-style-type: none"> <li>1. A state rule violation showing failure to comply with state minimum staffing requirements and/or a federal citation documenting potentially harmful resident care deficits resulting from insufficient staff, within the last three years.</li> <li>2. Repeat citations at the harm or substandard quality of care level. "Repeat citation" is defined as two citations of the same federal deficiency, or two or more citations within the same regulatory grouping, at the substandard quality of care, harm, or Immediate Jeopardy levels, issued within the last three years or three standard survey cycles.</li> </ol>	Eligible to Apply Under New Design Model Addendum	Not Eligible	Eligible to Apply Under New Design Model Addendum	Eligible to Apply Under New Design Model Addendum
<p>Threshold 3: If the Applicant does not have any of Threshold 1 or 2 criteria.</p>	Eligible	Eligible	Eligible	Eligible

Applying the Quality Measures to Example Situations:

1. Applicant A wants to initiate a 125 bed nursing home. Two years ago received a state citation for failing to have appropriate staffing levels. Could the Applicant be approved for the project?

No, because the Applicant meets the criteria of Threshold 2. However, the Applicant would be eligible to initiate a 100 bed nursing home utilizing the New Design Model Addendum.

2. Applicant B, who filed for bankruptcy 5 years ago, would like to acquire Nursing Home X. Nursing Home X had 24 Level D or higher citations last year and 30 Level D or higher citations the year before. Could Applicant B acquire Nursing Home X?

Yes, because the bankruptcy was 5 years old. Additionally, the citations of the nursing home to be acquired are not taken into consideration.

3. Applicant C would like to replace its 50 bed nursing home. The Applicant was involved in a State enforcement action, which included receivership, two years ago. Could the Applicant be approved to replace the nursing home?

No, because the Applicant meets the criteria of Threshold 1.